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EQC Tours Clark Fork Study Area

An unprecedented effort is underway to catalogue, investigate and repair environmental damage along western Montana's Clark Fork River, EQC members learned during their intensive two-day tour on June 18 and 19. The tour was designed to provide a firsthand look at the river's problems and prospects, to hear from technical specialists and citizens, and to help sort out the actors involved in what may be the most extensive and, ultimately, most expensive environmental cleanup in Montana's history.

The EQC tour began at Butte's Berkeley Pit, which remains as a monument to the magnitude of the mineral reserves and scale of development that characterized the "richest hill on earth." Jay Cornish of the Butte Historical Society summarized the major phases in Butte mining that began with placer gold mining in 1865 and continued until the closure of open-pit copper and molybdenum mining operations in 1983.

Ray Tilman of the Anaconda Minerals Company reviewed the company's reclamation program on Butte hill, including recontouring, revegetation and drainage control efforts. He explained that although the company is not planning to continue mining in Butte, the East Berkeley Pit still contains copper deposits that can be developed profitably if a buyer can be found. Tilman added that uncertainty over the effects of the current Superfund designation for the Silver Bow Creek-Butte Hill site discourages potential buyers because of unresolved liability issues. He noted that most of the tailings located along Silver Bow Creek were deposited more than 80 years ago.

Gary Lynch of the Department of State Lands reviewed his agency's role in permitting mining operations in Butte, explaining that the Anaconda company holds four separate permits under the state mine reclamation act. The Berkeley Pit itself is exempt from reclamation standards, but the department and the company are closely monitoring water quality in the pit, which has filled to a depth of about 380 feet in the three years since mining and pumping ceased. The Montana Bureau of Mines and Geology is also researching the physical and chemical characteristics of the mine flooding, an effort which MBMG hydrologist Marvin Miller believes will have important application to future large-scale mine developments in Montana.

The EQC tour then moved to the Colorado tailings, a 30-acre deposit of fine, metal-laden mill wastes located along Silver Bow Creek on the southwest side of Butte. Mike Rubich of the DHES Solid and Hazardous Waste Management Bureau explained that Montana has the lead role in managing this federal Superfund site, which was so designated because of the toxic impacts of historic mine tailings on the Silver Bow Creek-Clark Fork aquatic ecosystem. The state has contracted for studies to document the problem and to develop potential approaches to restore water quality. EPA is now assessing the appropriate extent of the Silver Bow Creek Superfund Site; consideration is being given to extending the site from the source of heavy metal contamination on Butte Hill downstream to Milltown Dam near Missoula.

At the Ramsay Flats tailings, EPA State Director John Wardell discussed the liability provisions of the federal Superfund law. Wardell said that both present and past owners of a site could be held fully liable for any environmental contamination emanating from the site. Where possible, however, EPA encourages the parties causing the environmental contamination to pay for the cleanup. If necessary, EPA can take necessary actions itself and then recover costs plus damages from site owners. Wardell emphasized that EPA has broad latitude to select the best way to solve the problem, and he noted that containment is often more feasible than complete cleanup or removal.

Duane Robertson, chief of the Solid and Hazardous Waste Management Bureau, told the EQC members that Montana has about 100 uncontrolled hazardous waste sites that are unlikely to make the federal priority list. These sites will have to be handled at the state level. With the 1985 passage of HB 766, the Department of Health and Environmental Sciences has the authority to stabilize or cleanup a site threatening public health and subsequently recover costs from a responsible party.

At the Anaconda Smelter Superfund Site, EPA's Mike Bishop reviewed the progress of recently begun investigations. The site boundaries will be defined by the limits of contamination, and important components of the site (e.g., the slag pile, the plant site, the tailings ponds) will be addressed separately. George Ochenski of the Montana Environmental Information Center reviewed citizen efforts to insure that arsenic and other potentially toxic substances on the site are managed properly to protect area residents and surrounding property.

In a tour of the extensive Opportunity tailings ponds, Bart Richards of the Anaconda Company said the company has spent over $6 million to lime the tailings and begin revegetation in some sites. Stabilization to prevent wind erosion is a priority on the 8,000 acres of tailings, which accumulated during decades of operation of an ore-processing mill near the smelter.

Wayne Hadley, a fisheries biologist with the Montana Department of Fish, Wildlife and Parks, demonstrated the fish population recovery in the uppermost section of the Clark Fork River, immediately below the Warm Springs treatment ponds. Hadley used electroshocking techniques to show numerous one- to two-pound brown trout in a stretch of river that had been almost completely devoid of aquatic life in the early 1970s. Hadley attributed the recovery of the aquatic ecosystem to the wastewater treatment system operated by the Anaconda Company in the Warm Springs ponds, immediately above the start of the Clark Fork. There the company adds lime to the acidic and metal-laden waters of Silver Bow Creek, a process that dramatically improves water quality.

Hadley noted, however, that trout populations sharply decline a few miles below the ponds and remain severely depressed for 80 miles until Rock Creek joins the Clark Fork east of Missoula. Apparently mining sediments deposited in the Clark Fork streambanks and floodplain over the past century are being washed into the river by high flows each spring in concentrations toxic to fish. Determining how to remedy this problem presents a major challenge in the effort to restore water quality and fisheries in the upper Clark Fork.

The EQC tour moved to the Missoula area on June 19, and spent the morning touring the Champion International pulp and paper mill at Frenchtown. Champion's Larry Weeks explained that clogging of the rapid infiltration ponds had prompted the company to seek state approval for year-round discharge of wastewater into the Clark Fork River. Gary Ingman of the DHES Water Quality Bureau discussed the extensive water quality monitoring program tied to the two-year discharge permit his department issued. The monitoring will allow DHES to evaluate the impact of Champion discharge on Clark Fork water quality and biota. The results will be used to prepare an environmental impact statement upon which the DHES will base its decision on whether to allow Champion to discharge wastewater year-round.

The Milltown Superfund Site, the last stop on the EQC tour, demonstrated the considerable geographic range of the pollution resulting from early mining efforts. In 1982 researchers detected extremely high levels of arsenic in Milltown residents' drinking water; that pollution has since been traced by University of Montana geologist Bill Woessner to the mine tailings deposited in the Clark Fork and carried more than 100 miles downstream to Milltown Dam. Alluvial groundwater, used in the domestic wells, came in contact with the sediments and picked up a dangerous load of arsenic and metals. With funding from the federal Superfund program, a new, uncontaminated water source has been developed for Milltown residents; current Superfund efforts are now focusing on the options for containing, removing or managing the toxic sediments to prevent future additional pollution.

An ongoing issue at this site is the stability of the Milltown Dam, which holds nearly 6 million cubic yards of sediment in the reservoir bottom. Montana Power spokesman Bob Perriman explained the company's plans to rehabilitate the dam without disturbing the metal-laden sediments; MPC is in the process of applying for a federal permit to do the dam rehabilitation.

Howard Johnson, coordinator of the Clark Fork River Basin Project in the governor's office, explained that the governor had initiated the project to coordinate the various pollution programs on the Clark Fork. The project extends from Butte to the Idaho border, while Idaho officials are also assessing the impacts of Clark Fork discharge on Lake Pend Oreille. Johnson noted that concerns in the lower Clark Fork have focused on the impacts of existing dams on water quality and fisheries, in addition to the riverwide concern about heavy metals. He encouraged the members of the Environmental Quality Council to keep abreast of Clark Fork developments and to participate in the upcoming decisions that will determine the future of water quality in this important Montana resource.

EQC Sets Interim Studies

The EQC work plan for the next biennium includes studies by the full council and two subcommittees according to Rep. Dennis Iverson (R-Whitlash), who was recently elected to a third term as chairman of the EQC.

The council will continue to oversee agency implementation of the Montana Environmental Policy Act (MEPA) and environmental program coordination among the state agencies. This includes monitoring the work and recommendations of the MEPA Task Force, a joint legislative-executive group evaluating the effectiveness of MEPA (and its rules). Among other options, the task force is exploring the Analysis of Impacts and Mitigation (AIM) concept, which incorporates impact mitigation in early stages of environmental review. The EQC will study MEPA to determine if it should be modified to achieve clarity or to improve cooperation. Agency, industry, and public contributions to this study are encouraged.

The chairman has established a Land Resources subcommittee and Water Resources subcommittee to look at special resource topics. The Land Resources subcommittee, chaired by Rep. Dave Brown (D-Butte), includes Senators Dorothy Eck (D-Bozeman) and Larry Tveit (R-Fairview), Rep. Bob Gilbert (R-Sidney), and public representatives Everett Shuey (Butte) and Tom Roy (Missoula). Potential study topics include hazardous waste disposal, regional energy policy, the oil and gas industry, the Hard-Rock Mining Impact Act, expenditures from natural resource earmarked accounts, and the Major Facility Siting Act.

The Water Resources subcommittee is headed by Senator Mike Halligan (D-Missoula). Other members are Senator Jim Shaw (R-Wibaux), Rep. Hal Harper (D-Helena), and public representatives Tad Dale (Dillon) and Tom France (Missoula). This subcommittee's potential study topics include the state's water quality program implementation, regional water issues in the Clark Fork and Flathead river basins, mine tailings, oil and gas reserve pits, forest practices, and the implementation of leaking underground storage tank rules.

Montana's subdivision laws will receive special study by the full EQC beginning in early 1986. The study will try to develop consensus among all interested parties on ways to help local governments to plan for more orderly development and to provide necessary services without unnecessary delay and cost.

Water Policy Committee to Meet

In House Bill 680, the 1985 Legislature established a permanent legislative interim committee on water policy. The committee will evaluate the state's water policy to help ensure a fair share of the water flowing through the state for Montana water users. Additionally, the committee will analyze the state water plan, the status of the state's water development program, water-related research undertaken by state agencies and institutions, and the water resources data management system maintained by the Department of Natural Resources and Conservation.

The committee members for this biennium are:

--Senator Dorothy Eck (D-Bozeman)
--Senator Jack Galt (R-Martinsdale)
--Senator Jim Shaw (R-Wibaux)
--Senator Larry Stimatz (D-Butte)
--Rep. Hubert Abrams (D-Wibaux)
--Rep. Dorothy Bradley (D-Bozeman)
--Rep. Dennis Iverson (R-Whitlash)
--Rep. Robert Marks (R-Clancy)

The committee should elect a chairperson at its first meeting tentatively scheduled for August 26 in Helena. The EQC will staff the committee during the interim; for more information, contact the EQC.

Cabin Creek Mine in IJC Reference

Northwestern Montana residents and public officials turned out in force at a July 9 public hearing in Kalispell to voice strong concern over the environmental impacts of a proposed open-pit coal mine in southeastern British Columbia. Many testified that the mine would pollute the pristine North Fork of the Flathead River and Flathead Lake; other speakers expressed concern about impacts to air quality, fisheries and wildlife habitat. The mine site is about six miles north of the international border along Cabin Creek, a tributary to the North Fork.

The Kalispell hearing was held under the auspices of the International Joint Commission (IJC). This six-member U.S.-Canadian review board oversees disputes over the 1909 Boundary Water Treaty, which states in part that "waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other."

State representative John Harp of Kalispell presented testimony on behalf of the Environmental Quality Council, which has been monitoring the Cabin Creek issue and the efforts of the Flathead Basin Commission to protect regional water quality. The EQC testimony focused on the Montana Legislature's commitment to environmental protection, as embodied in state water quality and mine reclamation statutes and in the establishment of the Flathead Basin Commission. The EQC testimony requested that the IJC consider this legislative history and the long-term benefits of mandating environmentally sound resource development.

Following the Kalispell hearing, the IJC took public testimony in Fernie, B.C. Surprisingly, only two speakers (representing local commerce groups) supported the mine development. Others at the Fernie hearing echoed concerns of Montanans about the impacts of the mine on this heavily used recreational area.

The potential for mine-related water pollution of the Flathead River system was brought to the attention of the IJC by the U.S. State Department at the urging of Montana Senator Max Baucus. Several months of negotiations between U.S. and Canadian federal officials resulted in the mutual acceptance of the formal "terms of reference," which define the issues to be considered by the commission. Under the Flathead River Reference, the IJC must report on the four following issues:

* the present state of water quality and water quantity of the Flathead River at the border;

* current water uses in the Flathead River Basin;

* the status and significance of the affected fisheries; and

* effects on water quality that would result from construction, operation and reclamation of the proposed Cabin Creek coal mine.

Two Montana officials have been assigned to the Flathead River International Investigative Board, which is responsible for gathering the information necessary for the IJC deliberations: James Posewitz, Fish, Wildlife and Parks and Abe Horpestad, Health and Environmental Sciences. Montanans are also participating in the four technical committees which will assess mine development plans, water quality issues, water uses, and biological resources.

At the conclusion of the study, the IJC will report on the facts of the reference and will present its conclusions and recommendations. Although IJC recommendations are not binding upon the two countries, any agreements reached at this level have a strong likelihood of being implemented. On the other hand, if members are unable to reach agreement, separate reports may be issued to the respective governments and little progress on the issue would be expected. The system thus provides an incentive for IJC members to develop a resolution that satisfies the interests and the image of both nations.

The final IJC report is due in mid-1986. Observers are yet unsure whether this report will focus narrowly on the technical aspects of mine plans or more broadly on the appropriateness of coal mining in the North Fork.

State Explores Hazardous Waste

Montana researchers are working to develop geologic criteria for a hazardous waste disposal site in Montana. The study, financed by a grant from the Montana Water Resources Research Center, is being directed by Steve Custer, professor of earth sciences at Montana State University.

Custer is attempting to define regions in Montana with a hydrogeologic character potentially acceptable for hazardous waste disposal. At a July 9 workshop in Helena, scientists from state and federal agencies undertook a statewide review of a number of physical factors, including soil types, rock strata, hydrology, and seismic activity. Most specialists agreed that bearpaw shale, relatively widespread in eastern Montana, would provide the best assurance that hazardous wastes would not migrate from a site and enter groundwater. Western Montana generally lacked these tight shale layers, and most western sites had the added disadvantages of glacial till soils, seismic instability, or high groundwater levels, all factors that reduce suitability for waste containment.

Some officials attending the workshop argued that geology should not be the overriding factor in this facility siting. These participants pointed out that new EPA regulations require disposal sites to have adequate leak detection and monitoring systems to detect and correct releases of environmental contaminants without having to rely on the underlying geology. Moreover, they added, the new EPA regulations will greatly reduce the use of land disposal in favor of advanced technologies in incineration, recycling, and waste reduction.

Custer's study is intended to provide preliminary information in the event that public officials decide to establish a hazardous waste treatment, storage or disposal site in Montana. Part of the project will involve field reconnaissance of sites with high hydrogeologic suitability for hazardous waste disposal.

Although the siting of hazardous waste facilities has proven to be a controversial issue nationwide, Montana officials believe the state should be prepared if it needs an in-state facility. Currently there are no commercial or public hazardous waste disposal sites in Montana, and generators are dependent on licensed disposal sites in Oregon, Utah and Idaho. Public resistance to hazardous waste disposal has raised the possibility that these neighboring states may limit Montana's access to their facilities. Additionally, the 1984 amendments to the federal hazardous waste act apply federal regulations to previously exempt businesses that generate between 220 and 2,200 pounds per month. Coverage of these small-quantity generators will place an additional estimated 1,000 Montana businesses in need of hazardous waste disposal facilities by 1986.

Drought Task Force Formed

A Drought Task Force is currently evaluating Montana's drought problems. The task force, headed by Lieutenant Governor Turman and composed of officials from the state executive branch, is assessing drought conditions throughout the state and is reviewing state agency efforts to ensure that necessary government resources are readily available. In addition, a request for a federal Disaster Declaration for at least 47 Montana counties be filed by the governor with the Secretary of the Department of Agriculture shortly after August 1.

A drought plan for Montana is also being drafted by the Department of Military Affairs Disaster and Emergency Services Division. The plan is designed to provide Montana government with an effective system for dealing with short- and long-term emergency drought problems.

Drought emergencies will be examined under an assessment system and a response system. The assessment system is designed to gather and evaluate water availability and drought impact information, and to identify areas where drought-related problems cannot be met locally. The response system focuses on developing solving the problems. The agency most concerned with the drought problem in an area acts as the lead agency and coordinates the response from all agencies.

The governor will activate the assessment system for an area as drought severity indicators indicate potential drought. As the drought index indicates more severe drought, the response system will be activated.

A Disaster Advisory Council, composed of senior management representatives from state agencies and other members appointed by the governor, will provide guidance for Montana's drought response process. The council will review agency statements summarizing drought impacts and unmet needs, ensure inter-agency coordination, and develop recommendations concerning the use of any relief funds, program implementation, and possible state legislative action.

EIS Chart

LEAD AGENCY	PROJECT	DRAFT	FINAL
FWP	Grizzly Management Program	6-85	
DHES	Shelter Bay Estates	5-85	
DHES	Champion Frenchtown Discharge	Early 86	
HIGHWAYS	19th Ave. and Oak St. Bozeman	Early 86	
HIGHWAYS	Reserve St. to South 3rd St., Missoula	6-84	7-85
HIGHWAYS	Ryegate East-Lavina West Revision	Summer 85	
DNRC	Central Montana 100-KV Transmission Project	11-84	3-85
DNRC	Laurel to Bridger 100-KV Transmission Project	5-85	Late Summer 85
DNRC/BLM	EXXON Pipeline, Southeast Montana	Fall 85	
DSL	Consolidation Coal CX Ranch Mine, Big Horn County	4-85	
DSL	Stillwater Mining Company, Stillwater County	4-85	
DSL	Western Energy Rosebud Mine Area D, Rosebud County	1-85	
DOI/BLM	Federal Coal Management Program	2-85	
DOI/BLM	Northwest Noxious Weed Control Program	5-85	

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380 copies of this public document were published at an estimated cost of 50¢ per copy for a total cost of $190, which includes $130 for printing and $60 for distribution.

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